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SEP 22 2005

OFFICE OF PETITIONS

In re Application of :
Takano et al. :
Application No. 10/642,896 : **DECISION GRANTING PETITION**
Filed: August 14, 2003 :
Attorney Docket No. :

This is a decision on the "REQUEST FOR CORRECTED FILING RECEIPT" filed on November 26, 2003, requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003, due to an interruption in the postal service. The request is being treated as a petition under 37 CFR 1.181.

The USPTO designated the interruption in the service of the United States Postal Service (USPS) that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. *See United States Postal Service Interruptions and Emergency Terminated*, 1274 *Off. Gaz. Pat. Office* 105 (September 16, 2003).

The petition included a copy of a statement under 37 CFR 1.6(e) that was submitted on filing of the application. The statement indicates that the application papers would have been deposited with the United States Postal Service on August 14, 2003, but for the designated interruption in

“Express Mail” service.

In view of the circumstances, the petition is granted. No petition fee is required.

The “Response To Request For Corrected Filing Receipt” mailed January 6, 2004, was sent in error and is hereby withdrawn.

After mailing of this decision, Initial Patent Examination Division will correct the filing date of the application to **August 14, 2003**, and mail a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-7727.

A handwritten signature in cursive script, reading "Eugenia A. Jones".

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy